

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

October 26, 2000

Chairman Eileen Sieger called the meeting to order at 7:31 p.m. and determined there was a quorum.

Roll Call was answered by Sieger, Herb Bartel, Dean Fincham, Terry Eberhard, Glen Unrau and Bob Unruh. Eldon Pankratz, Elora Robinson and Marquette Eilerts were absent. Zoning Administrator David Brazil was present.

Sieger called attention to the agenda, saying there is an addition to Off Agenda Items. Sieger said she has a letter from Linda Peterson, chair of the county commission, which will be entered into the record. Sieger explained the county commission is asking members to review the Gore application, again. With the letter is a copy of a resolution the county commission did not take action on. Sieger explained when a recommendation is returned to the planning commission, members may go with the recommendation, or go against the recommendation. Sieger noted there are also three members absent from this meeting, as there were when the recommendation for the Gore application was made. Sieger said this was one of the county commissioner's concerns with the previous vote.

Sieger asked for corrections to the Record of Proceedings of the September 26, 2000, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Unruh had one correction on page six, in the second sentence where "the" should read "there." Brazil had one correction on page one, in the fourth sentence from the bottom where it says "the pit is in a gray area," and it should read "part of the property is in a gray area." Fincham made a motion to approve the Record of Proceedings with two corrections, and Unruh seconded the motion. In favor: 6; Opposed: 0; Motion carried.

Item 4: An application for Larry and Delores Morgan requesting a rezone from agricultural to rural residential, which was published October 4, 2000, in the Hillsboro Star Journal. This property is located in Milton Township, close to Burns. Larry

Morgan showed members an aerial photo of the property. He said their intent is for a 10 and a quarter acre zone change. He said they own the ground around the 10 plus acres. Morgan explained that if they have to sell off the land around their home, they could still maintain the house. Sieger asked Morgan if they are currently living in the residence, and own the quarter and farm it themselves, and Morgan said yes. Morgan explained the south boundary and the east boundary are the fence line. Unruh asked if the lagoon is on the 10 acres, and Morgan said yes. Sieger asked about the set back from the property line to an out building, and Morgan said it was 40 to 50 feet. Sieger asked if the property used well water, and Morgan said yes. Unruh asked if rural water was available and Morgan said no. Morgan explained they want to keep their options open. We'd like to think we'll be able to maintain everything, but we'd like to keep our options open, Morgan told members. Bartel asked Morgan if they own land on both sides of the highway, and he said yes, 200 acres on the other side of the highway. Is this triangle piece yours?, Bartel asked and Morgan said yes. The north boundary is 30th Street, Morgan said. This property is two miles from the county line, Bartel said. Sieger asked if anyone wished to speak from the public and no one did. Bartel questioned the timing, saying our applications generally have been when the property is going on the market and we haven't had an application like this one where it's a working farm and they want to make it rural residential. We don't know where we'll stand after the first of the year, as the farm economy is tight, Morgan said. How will a change in zoning help you hold the home?, Bartel asked. The acreage could be sold off, Morgan said. If they need to sell, it's already done, as they planned ahead, Eberhard said. I used to work full-time at Moundridge, and the last two years I've worked full-time plus farm, Morgan said. It's a good location where we're at, and that's why we'd like to maintain the home, Morgan said. Bartel questioned a zone change prior to selling the home or selling the land. Our priority is to maintain a roof over our heads, Morgan said. Sieger asked Morgan if he would have a use for the farm machine sheds on the property? Morgan said the barn is old, and the machine shed is not that large and he could use it as a shop. So, as of now you don't have a plan to sell the ag land?, Bartel asked. If someone offered me the right price, I may sell, Morgan said. Morgans have lived on this property for 20 years, renting in the beginning. Sieger closed the public hearing for this application. Sieger asked members if they wished to go ahead and



discuss this application, and they said yes.

It doesn't bother me that this is a plan-type concept, and I could support this kind of concept, Unruh said. They have kept this farm up, and if this is what they want to do....., Eberhard commented. I think it's good to know people's plans and intentions, Bartel said. This can put some hardships on someone who wants to run a full-scale farm on rural residential, Bartel said. This would not be a problem for us, this would be a problem for the people making the application, Bartel explained. It's not the intention of rural residential to be sites for livestock operations and I don't see this as my problem, this will be their problem, Bartel said. Why are we laboring over this?, Eberhard asked. Eberhard made a motion to recommend approval of a zone change from agricultural to rural residential, and Unruh seconded the motion. In favor: 6; Opposed: 0; Motion carried. Sieger and Brazil explained the process to the Morgans. Sieger said members forgot to include Brazil's waste water recommendation in the motion concerning a 4x4 fence instead of the required 2x4 fence around the lagoon. Bartel said Brazil could enforce the sanitary code without this in the motion.

Sieger reminded members the November meeting is scheduled for the 16th, which is a week early due to Thanksgiving. Brazil reported there are two applications on the agenda for that meeting.

Item 5: Off Agenda Items. Members reconsider the Gore application. Unruh again abstains from the discussion. No one was present to speak about the application. Members question if Gore took a sample to Tabor College for testing, following his last mud run, as he said he planned to do. Bartel said a one time sample would be inconclusive. Brazil told members they have the option to not take action and send the original recommendation back to the county commission. The other option is to make another recommendation, with conditions, Brazil told members. Sieger questioned how with a regular Conditional Use Permit (CUP), if the use stops for six months, or more, the use lapses. Gore has said they have two runs per year, Sieger said. So, how would this be handled if it was approved for two a year and there was a lapse of eight or nine months? Can we go into executive session on this?, Eberhard asked. There has to be a definite reason, Sieger said. What do the by-laws say?, Bartel asked. I don't believe that's an option, Brazil said. This probably might

take care of itself, in time, Eberhard said. Can we kick it back to the county commission?, Fincham asked. Brazil explained that if members leave it as it is, it goes back to the county commission, or members could change their recommendation, which would be approving it, with conditions. If you send it back as is, you're standing by your recommendation not to approve, Brazil told members. If we approve it, it could really open up a can of worms, Eberhard said. What kind of things could this open up?, Sieger asked. Dirt bike racing, Eberhard said. Special event type things, Brazil added. Would it be appropriate to send it back to the county commission with these kinds of statements to give it credence to the reasoning?, Unrau asked. If we send this back to the county commission, we're telling them to do our job, Eberhard said. It states four reasons in the motion for not recommending approval, Sieger said. Unrau asked Sieger to read the motion, and she did. Unrau asked if the county commission got a copy of that? Yes, Sieger explained that county commissioners always receive a copy of the planning commission's Record of Proceedings. There have been a lot of phone calls made to the county commissioners, and there have been people coming to the county commission meetings, Sieger said. There was the petition with signatures, and they have been told it's an economic benefit, Sieger added. It's not like the application was for something quiet, compatible, and a consistent use with the reservoir use, Bartel said. This is a mud run, not someone going out to look at the wildlife, Bartel added. One or two people complained about the noise, Eberhard said. There should possibly be more people speaking up, he added. This is our decision to make, Bartel said. As a citizen, in the matter of economic development, prairie soils are the most fertile in the world, Bartel said. Entire civilizations depend on fertile soil, not on selling hamburgers, Bartel said. It has a potential that is unbelievable!, Bartel remarked. To dig a hole, and put in a pit, is an abuse of an absolute gift that Marion County has!, Bartel exclaimed. To use the mud run for an argument for economic development is very short-sighted, Unrau said. When you look at the over-all outlook, to have two mud runs a year....., Unrau said. Two days out of the year is not going to make or break a business, Unrau added. I can bring in more selling fruits and vegetables if I choose to grow fruits and vegetables on my fertile soil!, Bartel exclaimed. If we expect the county commission to go along with us, we've got to give them some good reasons to go along with us, Eberhard said. These land issues are not popularity contest issues, Bartel said.



Does this have to be prepared for the next county commission meeting?, Unrau asked. Brazil read the rule to members, concerning this process. So, if we don't take any action tonight, that means the original action stands?, Sieger asked. We can include this discussion, Bartel said. I can take it back to the county commission with the minutes, Brazil said. Eberhard asked and Sieger explained that Commissioner Hein has not said he is in favor of the application, he has just said he has received several calls and has made comments about the economic benefit of the mud runs. We all receive calls, Bartel said. I've had several people call and tell me they wished they lived next to me because of the protection I try to provide for neighborhoods, Bartel said. I wonder if the impact of a new recommendation would be better, Unrau said. We would re-vote on this, if it's amended, Eberhard said. Unruh reminded members he will abstain from voting. We can make a resolution and make the words as plain as you want to make them, Bartel said. I think we should make a resolution, Fincham said. It should be in the form of findings, Bartel said. I think we've got to give them some good reasons, Fincham said. That's why I abstained, Eberhard said, concerning the first vote. We need to give them some good information, Eberhard added. Can we get a resolution typed up, and sign it?, Eberhard asked. It was determined that Chair Sieger would sign the resolution. It was decided that Margo will prepare a resolution. Discussion continued as to what the resolution will state. It was decided the resolution will begin, "Whereas, the Gore application was sent back..," and "Whereas, the Gore application was sent back to us, we reviewed our record of the public hearing....." "Whereas we therefore are submitting a new and carefully considered and discussed list of reasons....." Followed by:

1. Uses set a precedent within neighborhoods and this application is not consistent with this neighborhood or Marion Reservoir.
2. Fertile Soil (use part of Bartel's fertile soil comments).
3. It's our responsibility to encourage the high economic development quality for our county (add Unrau's point). There's a whole range of economic activity and on the range this would be on the lower end, Bartel said. We should strive for the highest quality economic development for the county, Bartel said.
4. Repeat the water quality issue.
5. Make point that several members are intimately familiar with this property.

Eberhard asked Brazil for a recommendation and Brazil said it

goes back to the precedent. Brazil suggested that members repeat the original four reasons not to recommend this application, and add them after the above five reasons. It was decided to give the new reasons first, then the original reasons, as members feel the original reasons are still valid. I think we should say something about protection of neighborhoods, and consider land use as a top consideration for the surrounding area, Bartel said. We were criticized because the planning commission was asked to come and view the site and he didn't think any of the planning commission members went to view it, and he commended the county commission for viewing the site, Sieger said. I know the site intimately, from the time the original owner had it, Bartel said. (It was decided to put this as #5 under new reasons.) Wildlife - this is not a use that is consistent with careful wildlife habitat management, Bartel said. A great majority of folks are bird watchers, and they don't want big roaring trucks, Bartel said of visitors to the reservoir. We could show our vote under the resolution, Bartel said. We could pass it as a draft, Bartel said, giving by motion the authority to Sieger to sign it for the commission. If you leave it at my discretion to review it, I will call members if necessary, before signing it, Sieger said. Unruh made a motion to approve the draft of the resolution to be submitted to the county commission, and Eberhard seconded it. In favor: 5; Opposed: 0; Abstained: 1; Motion carried.

Sieger reminded members again that the next meeting is November 16, and there is no meeting in December. Sieger also reminded members of the upcoming public meeting concerning the county's comprehensive plan. Brazil said plans are to take the issues from the first public meeting and try to set up steps for how to accomplish these things, at this next meeting. Each member received a copy of a summary of the first "focus session" results, which reviewed the first public meeting. Unruh asked if it was okay to distribute copies of these results to interested members of the public, and was told yes. Sieger said members should review CUP regs for an application for quarrying in the northwest corner of the county. Unruh asked if members should discuss issues the City of Marion is dealing with, and Sieger said she didn't think they should get into it. We could submit a resolution of our perspectives, Unruh suggested and members agreed. If our feelings are rather strong, or bias, about landfills in our county, we could make a statement of resolution as to our support or non-support, Unruh said. We are not to have

a bias, if an application comes to us, Sieger reminded Unruh. Well, that was a wrong use of words, bias, Unruh said. A statement of which we could hope would be a guidance, Unruh said. Eberhard made a motion to adjourn and Fincham seconded the motion. In favor: 6; Opposed: 0; Motion carried and the meeting adjourned at 9:21 p.m.

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*Eileen Sieger*

Eileen Sieger, Chairman